

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DISCOVER BANK,

Plaintiff,

- against -

SHOLTIEL LEBOVIC,

Defendants.
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AMON, Chief United States District Judge.

On July 3, 2013, plaintiff Discover Bank removed this case from the Civil Court of the City of New York, Kings County, following the defendant's assertion of federal counterclaims in his answer. Because federal question jurisdiction is determined by "looking only at the Plaintiff's original cause of action to ascertain whether it includes a federal question while ignoring any and all answers, defenses and counterclaims," Town of Southold v. Go Green Sanitation, Inc., 959 F. Supp. 2d 365, 370 (E.D.N.Y. 2013), Magistrate Judge Vera M. Scanlon issued an order on January 22, 2014 requiring Discover Bank to show cause as to why this case should not be remanded to state court. On February 28, 2014, Discover Bank filed a letter requesting that the case be remanded to state court.

Because this Court concludes that it lacks subject matter jurisdiction over this case, it remands the case to the Civil Court of the City of New York, Kings County, pursuant to 28 U.S.C. § 1447(c). The Clerk of Court is directed to transfer all filings on the docket to the clerk of that court, and to close the case on the docket of this Court administratively.

SO ORDERED.

Dated: Brooklyn, New York
March 4, 2014

s/Carol Bagley Amon

Carol Bagley Amon
Chief United States District Judge

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAR 10 2014 ★
BROOKLYN OFFICE